original motion now, and those in favor of cutting off debate signify by saying aye. (Chorus of ayes.) Opposed?

DELEGATE CORN: Nay.

PRESIDENT CASSELL: Okay. Abstained?

All right. The original motion is that we shall append to line 19 -- this is Delegate Coates' motion -- and would you read that once more, and then we're going to vote.

DELEGATE COOPER: The Coates' motion is strike the period and add the following: "; unless the Secretary of State is the subject of recall --"

DELEGATE GARNER: Mr. Chairman, I believe the intention of Mr. Coates' motion, as I suggested the amendment, is just to replace what is currently there as Secretary of State with the term "Attorney General". I believe that was the understanding. It could be read and interpreted either way.

PRESIDENT CASSELL: The Chair didn't interpret it that way.

DELEGATE GARNER: So it would be done in every case by the Attorney General.

DELEGATE KAMANEY: That's what I voted for.

PRESIDENT CASSELL: Okay. The amendment is on line 19. The Secretary of State will be replaced with the Attorney

General.

Those in favor of that substitution, please signify by saying aye. (Chorus of ayes.) Opposed? Abstain? Okay.

We are now back to the original motion, section 3 as amended. Those in favor of section 3, as amended, signify by saying aye. (Chorus of ayes.) Opposed?

DELEGATE CORN: Nay.

PRESIDENT CASSELL; Abstained? Okay.

Section 4. Delegate Thomas.

DELEGATE THOMAS: Mr. President, on line 20, section 4, petition signature requirements. I move we adopt section 4, Mr. Chairman.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 4, petition signature requirements, be adopted.

Discussion? Nahikian and Corn.

DELEGATE NAHIKIAN: Mr. President, I would move that the number of signatures required for the petition to be certified shall be 20 percent of the total number of all votes cast in the most recent election for the position in question, in both line 22 and line 24.

A DELEGATE: Second.

PRESIDENT CASSELL; It has been moved and seconded that on line 22 and 24 the 25 percent be replaced with 20 percent. Discussion?

Delegate Mason.

DELEGATE C. MASON: My discussion does not relate to further amendments. It does relate to a misprint in the text.

PRESIDENT CASSELL: All right. We will come back to this then.

DELEGATE C. MASON: I just want to call attention to a misprint --

PRESIDENT CASSELL: Hold it. Maybe you had better tell us that now.

DELEGATE C. MASON: It is simply that the language should be as the chairperson read it, not as it is printed. After the word "two thirds", if you put the parenthetical in, it should be 66-2/3 percent. The 2/3 is left out.

PRESIDENT CASSELL: Okay, fine.

Delegate Blount.

DELEGATE BLOUNT: The rationale for the recall, to recall someone is a very serious matter. It should be difficult to recall somebody. I think the 20 percent would make it easier.

PRESIDENT CASSELL: Delegate Jordan.

DELEGATE JORDON: Yes, Mr. Chair. I would like to move an amendment to the amendment, and substitute 15 for 20.

A DELEGATE: Second.

DELEGATE JORDON: I am just looking at the requirements that we have for amending the constitution for proposing legislation to the initiative process, and it only requires 10 percent, or 5 percent to initiate a section, and 10 percent to amend the constitution. And you have 180 days in which to do it.

When we come back to elected officials, we have 90 days to get 25 percent of the vote, which is going to make it almost impossible to really act effectively for a recall petition. So I am just trying to strike a balance, somewhere lower than 25 percent, closer to the 10 percent.

PRESIDENT CASSELL: Delegate Corn and Rothschild --

DELEGATE CORN: I would speak --

PRESIDENT CASSELL: And then Cassell.

DELEGATE CORN: I would speak against both these amendments. While it does make it difficult to remove an elected official at 25 percent, I would tend to say that's even too low a figure, and I'll tell you why I think that.

Let's look at an ANC election. If you get a vote count of 400 on an ANC election, that is considered one of the highest vote counts in the city. Twenty-five percent of that would only mean 100 people need to sign a petition.

DELEGATE BLOUNT: Point of order, Mr. Chairman.

DELEGATE CORN: There is no point --

DELEGATE BLOUNT: There is no amendment.

DELEGATE CORN: I'm discussing it.

PRESIDENT CASSELL: The delegate is speaking to a motion.

DELEGATE CORN: So if you had 400 votes at an ANC election, with one of the highest vote counts in this city, 25 percent of that signed petition, that is only 100 votes.

Then you have an election 60 days later for the recall -- and let's say it's a cold, wintery day. So all of your supporters who came out in November don't come out in March, and only 50 people come out and 35 vote to recall you and 15 don't vote to recall you, look how easy it is to recall a local official.

I speak against both amendments.

DELEGATE JORDAN: I'll withdraw --

DELEGATE CORN: I vote with the committee report.

PRESIDENT CASSELL: One at a time.

Delegate Rothschild.

DELEGATE ROTHSCHILD: I would like to speak in favor--

PRESIDENT CASSELL: I'm sorry. You have withdrawn that?

DELEGATE JORDAN: Yes.

PRESIDENT CASSELL: The motion is withdrawn. The motion on the floor is --

DELEGATE THOMAS: Point of order, Mr. Chairman.

I would like to speak to what she said. I know the motion is withdrawn. But you made a mistake when you said only 400 votes for the ANC was the highest in the city. I got 700, so I know --

DELEGATE CORN: I didn't say the highest. I said a high vote.

PRESIDENT CASSELL: All right. I appreciate that, but that conversation is out of order, also.

I recognize Delegate Rothschild next, and then I recognize myself.

DELEGATE ROTHSCHILD: Okay. Well, I wanted to speak to 15, but I will speak to 20.

I definitely think we should lower the 25. It's much too high. Twenty is at least coming down. A public elected official basically is an employee. We all have jobs. We are all supposed to do a job, and if our boss doesn't like the way we do our job, we get fired. A think a public official is not necessarily anything special. I don't believe he is beyond that type of mentality.

I think also there is good sense, that the public has good sense, as our employer would have good sense, as to know somebody has been employed to do a job and be judicious about deciding whether or not that job is being done. So I trust the public judgment on that issue.

Also, I think the percentage, regardless of 20 percent, 25 percent or 100 percent, the ability to do damage is there and somebody can easily start a ridiculous recall and get the publicity on it anyway, regardless of the percentage.

I think basically what we are providing at a 25 percent recall with the 90 days is essentially going to be a token recall. In that case, I think we should all -- we should consider actually getting rid of it. But though I want to keep it, we should lower the percentages.

If a public official does something wrong, he should be able to stand up, if he's going against the public will, and he should be able to talk to that, speak to that, as we as employees have to speak to our behavior of what we do on the job, that a public official should be held accountable for his job.

PRESIDENT CASSELL: The chair is turning the chair over to the Secretary and I would like to speak on the motion.

DELEGATE CASSELL: I think we need to remember that we're talking about a political process. All of these officers are elected by the people through election. Their terms may be two years or four years.

In that time, one has an opportunity to assess a candidate's or an official's performance.

Now, politicians are elected by political processes, and politicians are opposed by political processes. Somebody always loses. The loser is part of a faction; a political faction is always anxious to discredit the party and, indeed, the person who represents that party.

I think that it should be very difficult to remove an individual. I think the 25 percent is much too low. You have an opportunity within that two-year period. If you don't do that, especially in the first few days or the first few years of the state government, we may find ourselves distracted from the important and essential business of the government in dealing with a whole series of recalls which are fairly easy to get.

Now, most of us here have run for more than one political office. You know that it isn't very difficult to get petitions out to sign for yourself, even if you never had a political office. You know it isn't difficult to build an issue, especially against candidates in office. If, indeed, a candidate is worthy of removal, it should not be too difficult, first of all, to remove him within that two-year period, or to get a high number -- The people ought to be really very dissatisfied, not a small faction. Fifteen or 20 or 25 percent of the people could represent a political party's membership. It creates a kind of frivolousness, and especially the first few years of our state government.

I don't think we want to be immeshed constantly in trying to recall people, one or two of whose actions we may not like. So I speak strongly against the motion, and I hope you will vote against it.

(President Cassell assumed the chair.)

DELEGATE KAMENY: 125 percent.

PRESIDENT CASSELL: Delegate Garner, and then Moore.

DELEGATE GARNER: For the people's information, I would like to point out that the current requirement under the Home Rule Charter is 10 percent of the registered voters, whatever that may be.

Delegate Moore has put on the wall here which is somewhere between 20 and 25 percent of the people that voted in the election. The information on the middle chart at the top shows you, by ward, the number of people who voted in the last general election.

If you want to believe these figures, you ought to believe that to recall a state-wide official it would take 25,000 signatures to get a successful recall petition.

However, if you believe we're going to adopt the legislative committee's report, which calls for the election of the Governor at the same time the President is elected, you must add another 75 percent. That is, the number of people that voted in the presidential election was close to 175,000 people, which means to recall a governor you would need 43,000 signatures. Ten or 15 percent more just to get enough signatures that are qualified.

I am just giving you the numbers we are talking about if we're talking about 25 percent. The difference in 43,000 versus something like 24,000 -- somebody may want to do that math and work it out.

I am trying to give you the numbers. If we adopt the presidential election year for governor, and you adopt 25 percent for recall, you are talking about a petition with 43,000 signatures on it. Plus we have added an additional requirement of two-thirds. So not only do you need this number state-wide, you need it in two-thirds of the legislative district.

I don't know how you want to respond to that, but I think that covers it.

PRESIDENT CASSELL: Delegate Nahikian.

DELEGATE NAHIKIAN: Once again I think that we are faced with a very basic and principal decision. The principal decision is do we trust people, and do we trust people's ability to make educated votes and to know what they are doing when they sign a petition.

I am very respectful of the fact that the committee has set up a process of recall, as the committee has reported out, and as Delegate Garner has just pointed out, that would make recall totally impossible under 25 percent.

The reason for requiring a smaller percentage, the 20 percent is simply made because of the failure to at least increase the timeframe allowed in a state-wide petition.

As this article is now recommended to the body, it says very point-blank and clearly that we do not believe that people should have the ultimate right to recall officials when they do not behave correctly, when they do things that are illegal or wrong, or when they are proposing legislation that is, in fact, against the will of the body. It sets up a contest.

I would remind the delegates of some of the efforts that went on in the City of Philadelphia, when Mayor Rizzo continued to be mayor above and beyond the will of a vast majority of the people in Philadelphia, and they had no recourse in which to address that.

The least we can do is to say to people, if we trust you enough to give you a right, basically the right of recall, to at least trust them enough to make it work. If we don't believe in recall, take the section out all together. If we believe in recall, at least put something on it and put the timeframes in it that will make it workable. I think we have got to wrestle with that decision.

DELEGATE GRAHAM: Mr. Chair.

PRESIDENT CASSELL: Delegate Graham, and then I think we ought to vote.

DELEGATE GRAHAM: I would like ask this motion be defeated. We gave it a great deal of thought at 25 percent. We felt that it should be even a little higher, because we noticed that some states had allowed 22 percent. The reasons were that we knew we would be starting out and that there would be officials that we trust the votes of the people. And when an official is elected, we feel that we have done a very good job of making our choice known.

When these people get in there, we should show we have a great deal of trust in them, a great deal of faith in them, because we voted for them.

I ask you to defeat this particular motion and accept the one that has been presented by the committee.

PRESIDENT CASSELL: All right. Two committee members -- we're never going to get a vote. Delegate Moore and Delegate Bruning.

DELEGATE B. MOORE: Just a point of information.

I would disagree with Miss Graham's statement that we had discussed this at length and considered going higher. For the first three or four drafts --

DELEGATE GRAHAM: Didn't we discuss this at length?

DELEGATE B. MOORE: We did discuss it at length, but not at 25 percent.

I had presented the first draft and it was at 10 percent. We went through two or three drafts, and not until the very end, on the last night, did we discuss it at length. On the last night the 25 percent figure came before the committee. Then it was voted by the committee by majority vote.

PRESIDENT CASSELL: Delegate Bruning.

DELEGATE BRUNING: I would say there was, indeed, ample consideration of the percentages. I would say, though, that I think the committee was split dead even on whether or not to go to 25 percent. I'm not sure what we split, whether it was five to three or four to four --

DELEGATE KAMENY: Twenty-five versus what?

DELEGATE BRUNING: There was a motion to make it 20, and I think 20 was four to four. So I think the committee would encourage your views on this. I, for one, was not in favor of raising it. I wanted it lower.

PRESIDENT CASSELL: Yes, Delegate Cooper.

DELEGATE COOPER: I would like to move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: Those in favor of cutting off debate, signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstained?

DELEGATE CORN: Division.

PRESIDENT CASSELL: A show of hands, please. First, those in favor of cutting off debate. (Show of hands.)

DELEGATE COOPER: Eighteen.

PRESIDENT CASSELL: Opposed? (Show of hands.)

DELEGATE COOPER: Six.

PRESIDENT CASSELL: Abstained?

Mr. Secretary, would you restate Delegate Nahikian's motion?

DELEGATE COOPER: Miss Nahikian's motion is to change, on lines 22 and 24, what currently reads as 25 percent, change that to 20 percent.

And there was a clarification on line 25. That should be 66-2/3.

PRESIDENT CASSELL: Okay. Those in favor of Delegate Nahikian's amended motion, signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstained?

Let me see the hands. Those in favor? (Show of hands.)

DELEGATE COOPER: Ten.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Fourteen.

PRESIDENT CASSELL: Abstained? Okay, the motion loses.

Section 3. Are we back to the original motion now? Are there any further amendments?

Delegate Blount.

DELEGATE BLOUNT: I move the previous question.

DELEGATE CORN: No.

PRESIDENT CASSELL: Those in favor of moving the previous question, signify by saying aye. (Chorus of ayes.)

Opposed? (Chorus of nays.) Abstain? The ayes have it.

The motion as read by the Secretary, those in favor signify by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Abstain?

A DELEGATE: Abstain.

PRESIDENT CASSELL: The ayes have it.

Section 5.

DELEGATE JOHNSON: I move the adoption of section 5, initiation of recall.

PRESIDENT CASSELL: It has been moved and seconded that section 5, initiation of recall, be adopted. Discussion?

Delegate Oulahan and Nahikian.

DELEGATE NAHIKIAN: Mr. Chairman, point of personal privilege.

PRESIDENT CASSELL: Speak.

DELEGATE NAHIKIAN: I just need to ask a quick question. I am going to have to leave the session before it is over tonight. I need to know whether or not we intend to reconvene at 9:00 o'clock in the morning or noon tomorrow, because it makes a difference on whether or not our Local Government Committee is going to be prepared for reading.

PRESIDENT CASSELL: Local Government is prepared for reading tomorrow afternoon, is that correct?

DELEGATE NAHIKIAN: On intergovernmental relations. It doesn't make any difference --

PRESIDENT CASSELL: Are you prepared to meet in the morning?

DELEGATE NAHIKIAN: I have no problems with that. I just need to know --

PRESIDENT CASSELL: The legislative committee would like to read tomorrow afternoon, if you're able to read in the morning. Are you able to read in the morning at 9:00?

DELEGATE NAHIKIAN; Fine.

PRESIDENT CASSELL: Mr. Terrell has asked that his committee be allowed to read tomorrow afternoon; provided there is a committee meeting in the morning, they shall be ready.

Let me make an announcement also, and that is I want to remind you that tomorrow at 12:30 the District of Columbia's Delegate to the United States Congress, Delegate Fauntroy, will be addressing us at 12:30. We begin at 9:00 o'clock with local government, and after that -- I understand that's a very short one -- if that is completed. And that is only one of their articles.

DELEGATE NAHIKIAN: It is not local government. It is intergovernmental relations that's ready.

PRESIDENT CASSELL: Okay. But that's the article that you want to read. Okay. We need to know the order of the next readings, right?

Let me finish my announcement. At 12:30, Delegate Fauntroy will be addressing us. I hope we have a good turnout.

Delegate Schrag.

DELEGATE SCHRAG: Mr. Terrell informed me earlier this evening that he would be able to be here and preside over the reading in the morning, that he has an unavoidable conflict between the hours of 12:00 and 2:00 tomorrow, and cannot be at the convention between 12:00 and 2:00.

It was my understanding he wanted just the opposite. He was prepared to go ahead in the morning but not the afternoon.

PRESIDENT CASSELL: Well, that is different from what he said to the Chair. He indicated to the Chair he would be working in the morning and that he could be here in the afternoon. He could not be here in the morning.

All right. We are meeting from 9:00 until 2:00 o'clock, just to remind you.

DELEGATE T. MOORE: Are we to be given the opportunity to vote on that, or are we just going to be here from

9:00 to 2:00?

PRESIDENT CASSELL: The Chair is suggesting we meet from 9:00 to 2:00 in order to get the two, if indeed, we have two ready. Obviously, local government is ready to read, and legislature is ready to read. The Chair is suggesting that we meet from 9:00 to 2:00.

DELEGATE ROTHSCHILD: Point of information.

Didn't you say earlier we had gotten permission to meet until 5:00?

PRESIDENT CASSELL: Yes. We just found out today through Mrs. Ellington that the Mayor's office called and said that we can meet until 11:00 o'clock during the week and until 5:00 o'clock on Saturdays. So we do have that option.

The Chair is suggesting that since we are prepared to meet from 9:00 to 2:00, that we could get our business done, that we meet at 9:00 o'clock and take whatever time we need to for our guest speaker, and then conclude.

Discussion on the motion, on section 5, the motion to adopt section 5? I recognize Delegate Oulahan.

DELEGATE OULAHAN: Mr. Chairman, I have an amendment. Line 30 and 31, we strike "within 6 months after a recall election for that official" and substitute the following: "or upon more than one occasion during such term."

DELEGATE CORN: Second.

DELEGATE OULAHAN: Mr. Chairman, I know that your committee worked very hard in trying to come up with a fair formula. I don't want to interfere with their work. What bothers me, and the purpose of my amendment, is to make sure there will only be one shot at an elected official during his two- or four-year term. I don't think it is good for the government or for our proposed State to have elected officials, even though we have the 25 percent requirement, being shot at on more than one occasion.

DELEGATE JOHNSON: Could we have that repeated?

DELEGATE COOPER: The Oulahan amendment would delete the language that currently reads "within 6 months after a recall election for that official" and would insert the language in its place "upon more than one occasion during such term." It's "or upon".

PRESIDENT CASSELL: Okay. Any discussion on that motion? Delegate Bruning?

DELEGATE BRUNING: We gave this a great deal of consideration. In effect, the time limits I believe for a two-year term, we essentially said yes, you will only get one shot at an elected official.

The time limits on four years leaves open the possibility of a second recall. Our thinking was the following: An official could very early in their term, for example be subject to a recall based on purely political considerations, i.e., a sore loser trying to win again. That would probably and should be defeated.

We do not feel, however, that then gives the state official essentially a blank check for the next three years or two-and-a-half years to do whatever they want to do immune from any type of recall provision by the people.

If they survive that first recall attempt by purely political reasons, and they then proceed to engage in conduct that is clearly against the interests of the constituents, clearly in conflict with the law, the people that they represent would be totally powerless at that point to get rid of that person short of voting him out of office. We say that two shots certainly doesn't go to harrassment but is a fair and equitable way of balancing the needs of the elected official in terms of being able to do what they have to do, versus the need for the people to make them responsive to them.

PRESIDENT CASSELL: Delegate Long.

DELEGATE LONG: I would like to speak against this motion, Mr. President -- I mean in favor of this motion, pardon me. I believe a four-year term, when we're talking about a two-and-a-half year period in which recall is possible, if you can conceive of mounting two recall elections during that two-and-a-half year period, the effectiveness of that individual in office is going to be completely destroyed by fighting recalls all during the middle of the term.

The one recall, if it is going to be based on political considerations, it should make those who want to mount such a campaign careful about what they're going to do until they have a legitimate reason to do so. So I am in favor of this amendment, to limit what I believe is a harrassment to such elected officials.

PRESIDENT CASSELL: Delegate Love.

DELEGATE LOVE: Mr. Chairman, I would like to move an amendment. I would like to strike on line 28 --

DELEGATE GARNER: Point of order. The amendment on the floor is the Oulahan amendment and does not pertain to line 28.

PRESIDENT CASSELL: Why don't we wait and see what he is going to do, and then we can call a point of order.

DELEGATE LOVE: What I was going to do is essentially strike all the language except for the very end of this amendment.

PRESIDENT CASSELL: Okay. That is out of order.

There is already a motion by Delegate Oulahan on the floor which is specific and you're not speaking to that.

Is there further discussion on the Oulahan motion?

DELEGATE LOVE: I would like to be recognized on this motion at the proper time, Mr. Chairman.

PRESIDENT CASSELL: Delegate Moore.

DELEGATE B. MOORE: I would like to speak against the motion on the floor. Presently, as we have arranged the schedule for the recall of officials, there can only be two performed during the entire four-year term. The process will be about a six-month process, from the moment of collection of signatures to the actual election day. So there would be two six-month periods in a 48-month duration where a legislator would be subject to the recall process.

I don't think that is undue harrassment. I think if you have collected a substantial number of signatures and addressed the issue, and then subject to recall twice within 48 months, it would be reasonable. Therefore, I would vote against the amendment on the floor.

PRESIDENT CASSELL: Delegate Corn.

DELEGATE CORN: I speak for the amendment. Let's look at the situation of a legislator who is elected from a district of, let's say, 10,000 people, half of whom are renter and half of whom are home dwellers. Let's go to the example of this legislator votes against a rent control bill.

Having been a tenent leader, I can guarantee you it would be easy enough for me to get that petition signed in two days flat, with no sweat. Oh, no. You should see wha we did when we had to.

So if we were to allow it the way it is written by this committee, the first time he voted against rent control measures, we would put him up for initiative and referendum right away. Boom. We've got him. We lose.

Then, as it is getting close to the 12-month period the opposition party, let's say, wants to put in their person So they want to further weaken the credibility of this legislator. They put him up now for initiative and referendum on a political basis, a political party organized against him

That person is going to be so destroyed mentally, emotionally and physically, that they could never get the financial backing to run a second or third term.

I think this is a horrendous -- I think the Oulahan motion is the only fair way. This is real harrassment --

PRESIDENT CASSELL; Okay. You're repeating yourself now. I think you have made yourself very clear.

Mr. Secretary, you now sit in the chair.

DELEGATE CASSELL: I am kind of appauled that this convention seems to be so preoccupied with the process of removing people from office, and so terrorized at the possibility that it may make a mistake which it has to correct immediately.

I want to point out that it isn't the worst thing in the world, nor does the government collapse, because you have one individual -- and heaven forbid you should have a whole series of them with what you're proposing now -- that one individual should be dissatisfactory to the majority. If we look at our nation, which seems to have survived, with some persons in the Office of the President and several persons in other offices, we managed to survive during a period of four years without total collapse.

But let's think about the time that it takes and the preoccupation of the whole governmental structure when you're recalling somebody. Indeed, if you could recall somebody twice in a four-year period, what other legislation, what other important issues, can get the headlines and get the attention of all the people to find themselves taking positions on this recall?

Now, recall is for the purpose of getting rid of somebody who is disasterous. His retention in office would cause the world to collapse. But you cannot run a government through repeated recalling of people. That is not what government is about.

Now, I personally don't like the 25 percent, but I certainly wouldn't like to have to deal on a regular basis -- and you can bet your boots, if it is that easy to recall, and if that becomes a regular process of government, then not much else gets done, and the Washington Post will make certain that that's the number one issue of the day.

DELEGATE THOMAS: Call for the question, Mr. Chairman.

(Applause.)

PRESIDENT CASSELL: The question has been called. Those in favor of cutting off debate, signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.)

DELEGATE LOVE: Mr. Chairman, were you speaking for or against Mr. Oulahan's motion?

PRESIDENT CASSELL: I was speaking his motion. Thank you.

DELEGATE ROTHSCHILD: Point of order. Just so we have good procedure, who was it that called the question?

DELEGATE THOMAS: I did.

PRESIDENT CASSELL: We had good procedure before you raised that question. You just weren't listening, right?

(Laughter.)

Those in favor of Mr. Oulahan's motion to limit the number of times an individual could be recalled --

DELEGATE KAMENY: Please state the motion with precision, please.

PRESIDENT CASSELL: Mr. Secretary, there has been a request for a statement of the motion with precision.

DELEGATE COOPER: The motion with precision by Delegate Oulahan would be to delete on line 30 all of the language starting with the word "within" and period, and in its stead would substitute "upon more than one occasion during such term.

PRESIDENT CASSELL: Those in favor of that motion signify by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Those abstaining?

Let me see the hands of those supporting the motion. (Show of hands.) This is Mr. Oulahan's motion to limit the number of recalls to one per term.

DELEGATE COOPER: Nineteen.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Four.

PRESIDENT CASSELL: Abstain?

DELEGATE COOPER: One.

PRESIDENT CASSELL: We are now back to the original motion, section 5 -- Have any amendments to that motion been passed now?

DELEGATE COOPER: Oulahan's.

PRESIDENT CASSELL: Section 5, now, as amended by the motion that just passed. Those in favor of that -- How many amendments did you allow last night per person? Did you establish anything that I really ought to conform to?

DELEGATES: No.

PRESIDENT CASSELL: Yes, Delegate Love.

DELEGATE LOVE: I would like to strike from line 28 to Mr. Oulahan's amendment all the words, so that this would read simply: "Recall cannot be initiated on more than one occasion during such term." In other words, my problem is, I don't know whether our legislators are going to be in there for two years, four years, commissions and other people who may be in there for two years. This time period doesn't make sense. You should have one crack, and I think the crack whenever --

PRESIDENT CASSELL: Wait a minute. Let me hear that again. I don't know whether that's in order or not. You said something about Mr. Oulahan's amendment. Would you repeat that?

DELEGATE LOVE: I am just making a motion to delete. What I say is "Recall cannot be initiated --" and I would delete everything after that, except Mr. Oulahan's amendment. This would essentially allow you to initiate recall at any time in a two- or four-year term, but you could only do it one time.

PRESIDENT CASSELL: The chair is struggling with this. It seems to me that Mr. Oulahan's motion covered the entire section from line 28 to line 31. The section was amended -- I guess we can amend it again, yes.

Was there a second to that?

DELEGATES: Second.

PRESIDENT CASSELL: Delegate Kameny.

DELEGATE KAMENY: I rise to oppose this motion vigorously. This would seem to imply, if I understand it correctly, the day after an official has been elected, all of those voters who voted against him or her can immediately start circulating a petition, right in the heat of the election, when they can get their signatures.

And as well as the other end of an official's term, with an election coming up, a recall petition can be started. The official will no sooner have defeated the recall, if he or she is fortunate, when immediately they will have to start running again for the election-in-chief itself.

The present provision, it seems to me, is eminently sound in principle and I urge the defeat of this ill-advised motion.

PRESIDENT CASSELL: Further discussion.

DELEGATE CORN: Frank said it all.

PRESIDENT CASSELL: All right. Those in favor of the Love motion signify by saying aye.

DELEGATE NAHIKIAN: There was further discussion.

PRESIDENT CASSELL: Do you still want to discuss? Delegate Bruning?

DELEGATE BRUNING: I just want to say on this fear of recalling officials, if anybody can explain to me whether we recall officials in the district, these provisions we shoul never have.

I find a very peculiar lack of faith in the ability of the District's voters to be fair. The indication that voters will sign a petition essentially any time, for any reason, I think that is a gross misstatement and misjudgment of the character of the District voters.

People will fight hard in a campaign. But they will not -- and it has been shown so far to date -- they will not refight the election by a frivolous recall. People have a sense of fair play, and when you have had your chance at the election, you don't fight the election again by recall.

If you try to get a petition to say Joe Jones shall be recalled because he won, I would be surprised that 25 percent of the voters would sign the petition on that basis. They simply will not, because the say "I had my chance to beat that man; I failed. That's the breaks."

PRESIDENT CASSELL: May I ask a question of the previous speaker.

Is the sense of your statement that there should be no prohibition or no protection against frivolous actions on the part of the public, assuming that the public shall always act with a sense of fair play? Is that what I hear you saying?

DELEGATE BRUNING: I think that the requirements that we made, 25 percent in the geographical distribution, coupled with, I think, the average sense of the voters, and the possibility of deciding what is a removable offense or an impeachable offense, which will vary from district to district and area to area, I think the voters can decide.

PRESIDENT CASSELL: Your committee has written line 28. Are you speaking to eliminate that in accordance with Love's motion, or retain it?

DELEGATE BRUNING: I am speaking in favor of the Love amendment, which would remove it.

PRESIDENT CASSELL: Any further discussion?

DELEGATE LOVE: Mr. Chairman, I would like to ask the committee a question --

PRESIDENT CASSELL: Wait a minute. I know you want to ask them a question, but there is a procedure for that.

I recognize Delegate Corn.

DELEGATE CORN: I would speak against this motion. The point that Delegate Bruning brought up is really irrelevant. The fact that this is --

DELEGATE BRUNING: Point of order. I think all speakers who want to speak --

PRESIDENT CASSELL: Delegate Corn has the floor. Would you proceed, please.

DELEGATE CORN: Thank you very much, President Cassell.

PRESIDENT CASSELL: Please make it short.

DELEGATE CORN: The reason this is not happening in the District thus far is that many, many people are not registered to vote in the District, even though they reside here, because they don't believe that the politics here are for real. And when we get statehood, they will register, and in huge numbers and droves. They will know that this is a real government, just the way it is in New York or anyplac else. I may be very much then, when you start getting peopl to register to vote here, who never registered before, I believe the registration of the Republican party will go way up. And let me tell you, politics will get a lot dirtier. The Democrats and the Republicans will be fighting tooth and nail over an election.

PRESIDENT CASSELL: Delegate Corn, I think now you're a bit off the subject.

DELEGATE CORN: No. And therefore, initiatives --

PRESIDENT CASSELL: Delegate Corn, I would ask you to please cease and desist. I think you have made your point

Delegate Johnson, and then I would like to vote.

DELEGATE JOHNSON: Move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that we call the question. Those in favor of cutting off debate, signify please by raising your hands. (Show of hands.

DELEGATE COOPER: Sixteen.

PRESIDENT CASSELL: Opposed? (Show of hands.)

DELEGATE COOPER: Three.

PRESIDENT CASSELL: Abstain. Okay.

The question is on the floor. The motion is Love's motion to eliminate on line -- would you state that, Mr. Secretary?

DELEGATE COOPER: He wants to eliminate "within the first six months of the term of an elected official, or the last 12 months of the term of an elected official."

PRESIDENT CASSELL: Those in favor of striking that portion signify by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.) Abstained? The motion loses.

We are back to the original motion then, as amended.

DELEGATE CORN: Other amendments?

PRESIDENT CASSELL: We don't need too many amendments, now, do we? I think we're going to pass on. I think it's time --

DELEGATE LOVE: Point of order, Mr. Chairman. It is not up to the Chair to decide how many amendments are offered from the floor or if they are dilatory. These are not dilatory amendments.

PRESIDENT CASSELL: The Chair believes that they are not necessarily purposely dilatory, but the effect of them is and we have debated this long enough and we must move on.

DELEGATE LOVE: That is not up to the Chair to call the question on it. There are several hands that are --

DELEGATE ROTHSCHILD: We are about democracy, and this is no way to do it. No way to do it.

PRESIDENT CASSELL: The question was called. Those in favor of cutting off debate, one more time --

(Simultaneous voices shouting.)

Those in favor of cutting off debate, please signify by raising your hands. (Show of hands.)

DELEGATE COOPER: Eight.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Eleven.

PRESIDENT CASSELL: The motion loses.

Delegate Garner.

DELEGATE GARNER: Mr. Chairman, I would like to call the question.

PRESIDENT CASSELL: The question has been called. Those in favor of calling the question, signify by raising your hands. (Show of hands.)

DELEGATE COOPER: Eleven.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Fourteen.

PRESIDENT CASSELL: All right. The motion loses. Let us continue. I saw quite a few hands before. There must be some people who voted to continue debate who want to speak beyond Delegate Corn. Where are they?

Delegate Corn.

DELEGATE CORN: I would like to add a sentence in front of line 28. "Recall cannot be initiated for any two-year term of office." This would speak to Delegate Love's concern about recall of an ANC commissioner or somebody who is only elected for two years and then has to go up for re-election again.

PRESIDENT CASSELL: Is there a second to that motion? The motion dies for a second.

Further amendments? Delegate Nahikian.

DELEGATE NAHIKIAN: Mr. Chairman, I call the question.

DELEGATES: Second.

PRESIDENT CASSELL: It has been moved and seconded we call the question. Those in favor of cutting off debate -- The question is that we stop debate and that we vote on section 5.

For the third time, those in favor of cutting off debate, signify by a show of hands. (Show of hands.)

DELEGATE COOPER: Twenty-one.

PRESIDENT CASSELL: Opposed? (Show of hands.)

DELEGATE COOPER: Three.

PRESIDENT CASSELL: Abstain. Okay.

Now, we're back to the original motion to adopt section 5, as amended. Those in favor please signify by saying aye. (Chorus of ayes.) Opposed? (Two nays.) Abstained? Then section 5 is adopted.

Section 6.

DELEGATE JOHNSON: I move to adopt section 6, time of recall election, lines 33 and 34 of your copy.

PRESIDENT CASSELL: It has been moved and seconded that section 6 be adopted. Discussion? Ready for the vote?

Those in favor signify by saying aye. (Chorus of ayes.) Opposed? Abstained? Section 6 is adopted.

DELEGATE JOHNSON: Move the adoption of section 7, votes required for recall.

A DELEGATE: Second.

DELEGATE CORN: Discussion.

PRESIDENT CASSELL: Okay. It has been moved and seconded that section 7, votes required for recall, be adopted. Discussion? Schrag, Kameny and Corn.

DELEGATE SCHRAG: I just have a question for the committee.

Does this mean the official is removed from office as soon as the results of the recall election are certified, or is there any period of days while he cleans up his office?

DELEGATE B. MOORE: If he is defeated, you mean, if he's recalled?

DELEGATE SCHRAG: Yes.

DELEGATE B. MOORE: We have left it up to enacting legislation to allow --

DELEGATE SCHRAG: Thank you. That answers the question.

PRESIDENT CASSELL: Any further questions? Mr. Kameny.

DELEGATE KAMENY: I wish to move an amendment, namely, that the simple majority vote be changed to two-thirds.

DELEGATE CORN: Second. That was my amendment.

DELEGATE KAMENY: I believe that an official, having been elected --

PRESIDENT CASSELL: It has been moved and seconded that "A simple majority" be replaced with "A two-thirds majority".

DELEGATE KAMENY: May I speak briefly to my motion?

PRESIDENT CASSELL: Yes, you may.

DELEGATE KAMENY: I believe that an official, having been elected, should require more than a simple majority to be removed. This provides something of a greater element of stability in office. I think a simple majority makes it much too easy.

PRESIDENT CASSELL: All right. Delegate Jones.

DELEGATE JONES: The committee spoke to that, Frank. The committee discussed that at length. It was the thought of the committee that to make it harder to get the petitions was the point that you discourage the recall as being frivolous. It should not be hard once the petitions get the 25 percent for the voters to recall the official. So I don't agree with you.

DELEGATE JOHNSON: Does anyone else want to speak to the Kameny amendment?

PRESIDENT CASSELL: I'm sorry. I was distracted.

DELEGATE JOHNSON: I was just carrying on for you.

Delegate Moore, and then Nahikian, and then Corn.

DELEGATE T. MOORE: I speak in favor of the motion. I think we should make it harder and it should be very difficult to get the official recalled.

DELEGATE JOHNSON: Delegate Nahikian.

DELEGATE NAHIKIAN: Mr. Chairman, I would move to make a substitute motion, that we delete the entire recall article.

A DELEGATE: Second.

PRESIDENT CASSELL: I'm sorry. May I have that motion again?

DELEGATE NAHIKIAN: I move to make the substitute motion to delete the entire recall article, because if you're going to give people the right, don't make it impossible for them to exercise the right. I feel like -- I think a lot of people felt, when they were given the right to some land, and then they made the procedures so hard to get the land that nobody ever got the land. So I would just as soon move to just strike the whole recall section as to playing games with giving people rights.

DELEGATE JOHNSON: Delegate Corn.

DELEGATE CORN: I would speak -- Did she get a second?

PRESIDENT CASSELL: She did not get a second, and also, we are in the process of amending and substituting, so we cannot move to delete an entire article. We are here for the purpose of voting on amendments and substitutions.

DELEGATE CORN: Then may I speak to the Kameny amendment?

PRESIDENT CASSELL: Yes, and then Brian Moore.

DELEGATE CORN: I would speak in favor of --

DELEGATE NAHIKIAN: Mr. Chairman, a point of information. Are you saying my substitute motion is out of order at this point?

PRESIDENT CASSELL: It is not a substitute motion. You can't substitute to eliminate something.

DELEGATE NAHIKIAN: Then could I be recognized at the end of the debate on each individual section then?

PRESIDENT CASSELL: When the article -- we're voting on the article, yes.

DELEGATE NAHIKIAN: Thank you.

PRESIDENT CASSELL: Delegate Corn.

DELEGATE CORN: I would speak in favor of the Kameny amendment, and I will give you a perfect example why.

Let's say a legislator is elected from a district of 10,000 people. If 2,000 vote in the election, that's a pretty good percentage of voters, considering the size of the district. That would mean to start the recall you would only need 500 names on the petition. That's two apartment buildings. That's all.

And then the election is on a miserable cold day, and let's say that person was very, very good on senior citizen rights --

PRESIDENT CASSELL: Delegate Corn, you have made those points before.

DELEGATE CORN: That's why I'm saying the two-thirds is good, because if it's a miserable day, you could easily get out 300 people who -- 300 out of the 500 who signed the petition -- and it might be hard to get out the 1500 who voted for the guy to begin with.

PRESIDENT CASSELL: I think we remember that one.

Delegate Moore.

DELEGATE B. MOORE: I would like to speak against the amendment. In the narrative I did put down a vote by the majority was self-evident, but I guess it wasn't that self-evident.

I concur with Delegate Jones' rationale. We made it reasonably difficult up front on the petition for signatures, and a simple majority would seem to be reasonable enough to -- it would be a reasonable expression of the will of the people that they are not satisfied with their legislators and that he or she should be removed. I would hope that the delegates could understand that rationale.

All the States that have recall use a majority vote. There are no states that I can see here that would have recall of an official by a two-thirds vote of the populace.

PRESIDENT CASSELL: Okay. The motion on the floor, Delegate Kameny's motion, is to change, on line 36, change a simple majority vote to a two-thirds majority vote.

DELEGATE THOMAS: Call the question.

PRESIDENT CASSELL: Can we vote? All right.

The question has been called. Those in favor of voting now signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstain.

Let's see the hands of those who are in favor of calling the question. (Show of hands.)

DELEGATE COOPER: Nineteen.

PRESIDENT CASSELL: Opposed? (Show of hands.)

Okay. The motion is to replace "simple" on line 36 with "two-thirds." Those in favor of that motion, signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.)

Let's have a show of hands. Those in favor of replacing "simple" with "two-thirds", show your hands.

DELEGATE COOPER: Seven.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Eleven.

PRESIDENT CASSELL: The motion loses.

DELEGATE JOHNSON: Are there any other amendments?

PRESIDENT CASSELL: Delegate Blount.

DELEGATE BLOUNT: Move the previous question.

A DELEGATE: Second.

PRESIDENT CASSELL: The previous question has been moved. Those in favor, signify by saying aye. (Chorus of ayes.) Opposed? Abstain. Okay.

Those in favor of adopting item number 36 as written, signify by saying aye. (Chorus of ayes.) Those opposed? Abstain? The motion carries.

DELEGATE JOHNSON: I move the adoption of section 8, reimbursement.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 8 be adopted. Delegate Coates.

DELEGATE COATES: Thank you, sir.

I move that we strike lines 38 and 39.

A DELEGATE: Second.

DELEGATE COATES: The reason is that, at best, they provide unequal treatment to an elected official subject to recall. In the event that he succeeds against the recall, he benefits from the public fund; in the event he does not succeed, he does not benefit. The provision is unequal.

More so than that, sir, I am opposed to it because if an elected official runs, he pays the expense of his campaign. If he is subject to a recall, he can bear the expense of that as a matter of a defense. If he wishes to avoid that expense --

PRESIDENT CASSELL: Excuse me. You did move to amend?

DELEGATE COATES: Yes, and I heard a second.

PRESIDENT CASSELL: All right. Please continue.

DELEGATE COATES: If he is the subject of a recall, he could, of course, elect not to defend himself, in which case he would not have the obligation of the expenses of his defense.

But to provide that at the expense of the state, if he defends himself, it seems to me not to be justified in any rationale that the committee has presented so far in response to a question I raised regarding this point during the time of opportunity for questions.

PRESIDENT CASSELL: Can a member of the committee respond? Delegate Mason.

DELEGATE C. MASON: The motion was to eliminate lines 38 and 39. Does he propose a substitution of the language? Because if he does not, then this would leave the title hanging out by itself with nothing following it.

DELEGATE COATES: You are quite right, sir.

PRESIDENT CASSELL: You do propose eliminating section 8 then?

DELEGATE COATES: Yes, I do.

PRESIDENT CASSELL: Okay. Delegate Kameny.

DELEGATE KAMENY: Mr. Chair, I rise to make a substitute motion, namely to delete only the two words "if retained".

DELEGATE OULAHAN: I second that.

DELEGATE KAMENY: Thank you. May I --

PRESIDENT CASSELL: Who seconded that?

DELEGATE OULAHAN: I seconded it.

PRESIDENT CASSELL: It has been moved and seconded that only two words be eliminated -- this is an amendment to Coates' motion -- on line 39.

It's an amendment. "If retained" is the only change he wants to make.

DELEGATE KAMENY: To eliminate only those words and to leave the rest of section 8.

PRESIDENT CASSELL: Okay. That's an amendment to the amendment. You may speak to your motion.

DELEGATE KAMENY: Thank you.

First, and since Delegate Coates in a sense set the battleground, this responds to half of his problem because it equalizes then the obligation incurred by candidates -- by officeholders, who have to fight a recall. If an officeholder is presented with a recall, he should have his expenses supported in general. Otherwise, if he has to take the gamble of fighting it not on the merits of his position and his performance as he sees it, to put on whether it might be close and he might lose and therefore would be bankrupted, I think the whole purpose and philosophy of recall is being subverted and, if I may use the term, perverted.

Secondly, an officeholder having to fight a recall presented to him not of his choice is not in the same position as a candidate for office who made the choice to run, and along with the taking on the incurring of expenses and the fund raising and the campaign committees and all the rest. The delegate in office is being presented with this not of his choice, and therefore to argue that either both should have their expenses paid--which I am certainly not arguing, that is, a candidate or officeholder--or neither, as Delegate Coates is suggesting, is, I think, not a rational comparison.

If an officeholder is in office, if he is faced with a recall, he ought to be, within reasonable limits, as this language says, he should have his or her recall opposition expenses, response expenses, if you will, supported by the government.

So I would urge voting for my amendment, which is simply to eliminate the two words "if retained", for which I have heard no response from the committee when I raised the question earlier. They gave me no answer as to why those words are there.

PRESIDENT CASSELL: Delegate Johnson.

DELEGATE JOHNSON: I just want to advise the delegates that this, of course, is the language the committee adopted and we were advised that this issue should be addressed in the Constitution.

I suppose an alternative would be to have it addressed in enabling legislation. But our advisors told us something should be made of this, and also the issue of clearing the office and all those kinds of things we needed to consider. While those were not considered in the document, it was felt this issue did need to be included in some way, whichever way. This is what we chose.

PRESIDENT CASSELL: Did you address, in your response to us now, Delegate Johnson, the question of how this is treated in other state constitutions when people are faced with recall?

All right, Delegate Moore.

DELEGATE B. MOORE: Yes, other constitutions do address this. In fact, that's where we got the idea. They did pay for elections when the legislator was retained, but that when he did lose, some of the states would require he be subject to paying all the expenses.

This was something that did not come from the committee but it came from constitutions that are already in force in this country.

PRESIDENT CASSELL: All right. Further discussion on Delegate Kameny's amendment? Delegate Moore.

DELEGATE T. MOORE; I would like to ask a question. In the example where an individual is recalled, are you saying then that the state should pay those expenses?

DELEGATE KAMENY: May I respond to his question?

PRESIDENT CASSELL; Yes, you may.

DELEGATE KAMENY: If there is malfeasance in office, there will presumably be some sort of trial procedure, which will be quite independent of a recall proceeding. That will go a different route altogether. That doesn't come within this. He will have to be found guilty of criminal activity of some kind.

PRESIDENT CASSELL: Delegate Garner, Rothschild, Coates.

DELEGATE GARNER: Just one point--several points.

We tried on the committee to get very emphatic about our nonsexist language. When we are talking about bad public officials, we like to say "she" and "he"--

DELEGATE KAMENY: You are quite right.

DELEGATE GARNER: Especially given the number of mayorial candidates of the female gender, we might consider this.

Secondly, I oppose the motion by Delegate Kameny. I am not as opposed to the proposal by Delegate Coates, but I prefer the language of the committee. I would ask the delegation, anybody, to name a public official that has been successfully recalled, in any state, in any place. The purpose of recall is a threat. It needs to be there and it needs to be reasonable.

The point of the language here is taken from other state constitutions. We did not come up with this out of the blue. This is standard procedure in other states where they do have recall.

If an official is defeated, if the voters do throw he or she out of office, they ought not to be paid for their expenses. If an official runs for office, runs for reelection, and they are defeated, they aren't paid their expenses. That is why we have the provision only if the official is retained, that if the recall was inappropriate, the language provides for the provision of expenses being reimbursed within limits set by the legislature.

The committee considered this issue seriously. We looked at other state constitutions, other practices. If you want to have recall at all, I suggest you leave the language here. Certainly we should not adopt the language proposed by Delegate Kameny.

PRESIDENT CASSELL: Delegate Rothschild.

DELEGATE ROTHSCHILD: Just briefly, I am against Delegate Kameny's language because I am in favor of Delegate Coates' language -- the lack of language, his motion. I believe that if somebody has to work to get into office, they basically have a very big and uphill fight. Once in office, though, you have -- once you're the incumbent and once you're in office, you have public attention and you have access to the media--although the media may slant your position. Nevertheless, you have the attention of the public. You shouldn't have to spend all that much. Basically, the arguments are in your favor.

Also, I think it would be more appropriate to pay the people who opened the recall initiative, or opened the recount, because they are the ones who have the ultimate fight. With the way recall is, it is outrageous that they shouldn't get reimbursed for their efforts. So I am definitely against Delegate Kameny's motion.

Thank you.

PRESIDENT CASSELL: Delegate Coates.

DELEGATE COATES: If something can happen, it will happen. It's Murphy's Law. Despite the incidences of breach of public trust, however dramatic such as to catch the media's attention, there continues to be and I submit will be violations of public trust of all officials.

I do not think that the recall provision in this Constitution will be utilized. On the other hand, it seems to me that it would be a tremendous miscarriage of the constitutional-framing process if we burden the public with the payment of expenses.

What is to say that a half-a-million dollars cannot be involved in the defense of the governor or a Senator? Why should we, by constitutional provision, make this a law. At the most in such matters we should leave it to the legislature. But to provide in the Constitution that the State has an obligation to pay expenses, virtually in the manner of a blank check, seems to me to be a wrong decision on our part.

I would urge -- and I hope the committee doesn't feel this is a slap in their face -- but I suggest the better direction here is to delete this matter and leave that question to legislative action further on.

PRESIDENT CASSELL: Okay. One more and I think we ought to vote.

We have a motion on the floor. Before we carry this motion, let me tell you this. We have been advised that although the Mayor's Office indicates we can stay in this building until 11:00 o'clock during the week and until 5:00 o'clock on Saturdays, there seems to be some disagreement with the elevator operators who are insisting they are going home at 10:30.

Now, on Monday we will have the Mayor make such instructions as are necessary in order that we can stay here until 11:00 o'clock. We are advised they are shutting down at 10:30. This is just to advise you.

Do we need more discussion on Delegate Coates' motion?

DELEGATE THOMAS: Call the question.

PRESIDENT CASSELL: The question has been called.

I beg your pardon. This is Kameny's motion.

The question has been called. Those in favor of cutting off debate signify by saying aye. (Chorus of ayes.) Opposed? Abstained?

Okay. Those in favor of Mr. Kameny's motion, which is to strike the words "if retained" from section 8, line 39, please indicate by raising your hands. (Show of hands.)

DELEGATE COOPER: Two.

PRESIDENT CASSELL: Those opposed? (Show of hands.)

DELEGATE COOPER: Sixteen.

PRESIDENT CASSELL: We are now back to Delegate Coates' motion to strike the entire section 8 on reimbursement. Those in favor --

DELEGATE CORN: Call the question.

PRESIDENT CASSELL: We have had discussion on the reimbursement, on striking the entire section, section 8.

Do we need more discussion on that?

DELEGATE OULAHAN: Move the previous question.

PRESIDENT CASSELL: The previous question has been called. Those in favor, signify by saying aye. (Chorus of ayes.) Opposed? Abstained?

The motion on the floor is section 8, reimbursement, and that is to delete it, Coates' motion. Those in favor of deleting section 8, signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) Abstain?

Let me have a show of hands. Those in favor of deleting section 8, raise your hands.

DELEGATE COOPER: Eight.

PRESIDENT CASSELL: Those opposed to eliminating section 8, raise your hands.

DELEGATE COOPER: Thirteen.

PRESIDENT CASSELL: Abstain?

Okay, we are back to the original motion to adopt section 8 as read.

DELEGATE LOVE: Mr. Chair, I would like to make a motion. On line 39, I would like to change the word "shall" to "may".

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that on line 39, the word "shall" shall be changed to "may".

Discussion? Delegate Kameny.

DELEGATE KAMENY: The motion is unnecessary and redundant, since the legislature under the present provisions could easily enough set the limits to be zero, which has exactly the same effect. Therefore, the amendment is totally unnecessary.

PRESIDENT CASSELL: Is there further discussion? Delegate Love.

DELEGATE LOVE: It appears to me we are somewhat in the same position as we were with the Governor's Mansion. If the legislature wants to do this, they will do it. I don't feel we need a constitutional convention to be setting funds. So by saying "may", we give the legislature the right to do this.

PRESIDENT CASSELL: Is there further discussion on the elimination of the word "shall"? Delegate Johnson.

DELEGATE JOHNSON: I just want to point out to the delegates, as you make your determination on this vote, the first parenthetical phase "within limits set by the legislature". I think that covers the concerns that I have heard raised.

PRESIDENT CASSELL: Delegate Blount and Cooper.

DELEGATE BLOUNT: I think that Delegate Kameny's motion falls within the motion and it is out of order.

PRESIDENT CASSELL: Well, he suggested for the Convention's persuasion, but he did not ask the Chair to rule -- I wouldn't rule that out of order.

DELEGATE BLOUNT: He said a person on recall would not be reimbursed.

PRESIDENT CASSELL: We're just saying it may be paid by the state, which gives the state the right to determine that there should be funds or not.

Delegate Cooper and Delegate Bruning is next.

DELEGATE COOPER: I would like to speak in favor of the motion. Those who said the legislature may set the limits are absolutely right. However, I think that by mandating the legislature to even have to consider this, not only to consider whether or not they are going to pay but to consider those limits, I think it is unnecessary and should be left up to the pleasure of the legislature. So I am in favor of the language "may".

PRESIDENT CASSELL: Okay. Delegate Bruning.

DELEGATE BRUNING: I move the previous question.

PRESIDENT CASSELL: The previous question has been moved. Those in favor signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.) The ayes have it.

The motion on the floor is that "shall" on line 39 shall be changed to "may". Those in favor signify by saying aye. (Chorus of ayes.) Opposed? (Chorus of nays.)

A show of hands. Those in favor signify by raisin your hand. (Show of hands.)

DELEGATE COOPER: Five.

PRESIDENT CASSELL: Opposed? (Show of hands.)

DELEGATE LOVE: Mr. Chair, could we have a recount. There are people not aware of what's going on.

PRESIDENT CASSELL: How do you know that people were not aware of what was going on? (Laughter.)

Those opposed?

DELEGATE JOHNSON: Wait. We on the opposed had our hands up. My hand was up before and I'm voting against.

DELEGATE CORN: Are we voting yes or no? If you're opposed to me, put your hand up.

PRESIDENT CASSELL: Apparently Delegate Love's assertion has merit.

Those in favor of the motion to change "shall" to "may", please let me see your hands. (Show of hands.)

DELEGATE COOPER: Nine.

PRESIDENT CASSELL: Those opposed to the motion? (Show of hands.)

DELEGATE COOPER: Fourteen.

PRESIDENT CASSELL: The motion fails. One abstention.

DELEGATE CORN: Mr. President. Mr. President.

PRESIDENT CASSELL: Can we vote on section 8 now? Delegate Garner.

DELEGATE GARNER: Call the question.

PRESIDENT CASSELL: The question is called in connection with this section 8. Those in favor of cutting off debate and voting, signify by saying aye. (Chorus of ayes.) Opposed, nay. All right.

Those in favor of section 8, the adoption of section 8, signify by raising your hand, please. (Show of hands.)

DELEGATE COOPER: Sixteen.

PRESIDENT CASSELL: Opposed? (Show of hands.)

DELEGATE COOPER: Two.

PRESIDENT CASSELL: Abstains.

Delegate Johnson, section 9.

DELEGATE JOHNSON: I move the adoption of section 9, filling a recall vacancy.

DELEGATE CORN: Point of order on section 9.

DELEGATE THOMAS: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 9 be adopted. What is your point of order?

DELEGATE CORN: Mr. President, I know on second reading I will have the ability to come back and bring forth the inconsistencies, but I would like to do it right now --

PRESIDENT CASSELL: I'm afraid that is not --

DELEGATE CORN: There is an inconsistency with what is already been passed under the executive branch.

PRESIDENT CASSELL: It is really not a point of order, right? Let us move on because it will take more time than it's worth, really.

Okay. It has been moved and seconded that we adopt section 9. Discussion? Delegate Rothschild.

DELEGATE ROTHSCHILD: I would just like to clarify that the Governor will not appoint anybody. The Governor shall not appoint anyone to fill the vacancy between recall and the election 90 days later.

PRESIDENT CASSELL: What are you offering?

DELEGATE ROTHSCHILD: The governor shall not --

PRESIDENT CASSELL: This is an amendment to line what, a substitute, or what?

DELEGATE ROTHSCHILD: Line 44.

PRESIDENT CASSELL: Are you offering an amendment to line 44?

DELEGATE ROTHSCHILD: I add a sentence on the end. This is after the period, 150 days. Another sentence. "The Governor shall not appoint anyone to fill the vacancy during the period between the recall and the election to fill the vacancy."

DELEGATE CORN: Second.

PRESIDENT CASSELL: Do you have that, Mr. Secretary?

DELEGATE COOPER: Yes.

PRESIDENT CASSELL: Please read back the motion that was just moved and seconded.

DELEGATE COOPER: To add on line 44 a new sentence. "The Governor shall not appoint anyone to fill the vacancy during the period between the recall and the election to fill the vacancy."

PRESIDENT CASSELL: Discussion? Delegate Garner.

DELEGATE GARNER: Mr. Chairman, this is understood in our language. I move to table the motion.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that the motion be tabled. What is your pleasure?

Those in favor of tabling, signify by saying aye. (Chorus of ayes.) Those opposed? (Chorus of nays.)

Let's see the hands of those in favor of tabling the motion. (Show of hands.)

DELEGATE COOPER: Thirteen.

PRESIDENT CASSELL: Is it clear to everybody what we're voting on? You had your hands up. What you had your hands up ostensibly was to table the motion just made.

All right. Those opposed to tabling the motion.

(Show of hands.)

DELEGATE COOPER: Three.

PRESIDENT CASSELL: Okay. The motion is tabled.

Point of information. Delegate Simmons.

DELEGATE SIMMONS: I know that these 18-hour days have been very difficult for everyone, but I was not aware you had a visual impairment because I had raised my hand to speak long before Joe even knew how to put his hand up.

(Laughter.)

You called on him first, so I can only say at this point as a matter of information that I had wanted to share the amendment that Delegate Rothschild is proposing. I was diametrically opposed to the action already taken in approval of the executive branch. I simply wanted to cheer that. But I am sure we're going to have a better schedule and that your vision will improve.

PRESIDENT CASSELL: The Chair is sorry he has a visual impairment. The fact of the matter is he has had from time to time. Delegate Joe Garner is aware of that impairment and he is more animated and gets recognized fast. You might take that into account.

The motion on the floor is section 9 to adopt. Is there further discussion? Delegate Corn and Garner.

DELEGATE CORN: Again, I don't know if this is the right time to bring it up, but there is somewhat an inconsistency between this section before us and what has already been passed under the executive branch, section 11, vacancies.

May I read what has been passed already?

PRESIDENT CASSELL: Yes.

DELEGATE CORN: What has been passed already: "The Governor may make an interim appointment to fill a vacancy occasioned by the death, resignation, suspension or removal of an appointed or elected officer, other than a legislative or judicial officer, unless the officer is reinstated or until the vacancy is filled in the manner prescribed by law or its constitution." That's the important stanza.

And then the next sentence is, section (b), "In the event of a vacancy --" and it goes on just about Representatives and Senators.

Now, the point here, where there is the conflict, it is not on the legislature, let's say, if a legislator is recalled. Let's say the Secretary of State is recalled.

PRESIDENT CASSELL: Let me make clear now, you are pointing to a defect in the wording of this particular section.

DELEGATE CORN: It's an inconsistency. I am saying, if you start this out when any legislative official is recalled, there would be no inconsistency. Or any official except for the Secretary of State--

PRESIDENT CASSELL: You have made your point. Do you want to make a remedial amendment?

DELEGATE CORN: "When any official other than the Secretary of State is recalled," et cetera, then you would delete that inconsistency.

A DELEGATE: Second.

PRESIDENT CASSELL: You originally said "when any legislative official".

DELEGATE CORN: Ah, there is a slight difference. But I am saying the only inconsistency is the Secretary of State position. Or "When any official, other than the Secretary of State, Congressmen or Senators are recalled --"

DELEGATE KAMENY: They can't be recalled. It's irrelevant.

DELEGATE CORN: That's right, they can't be recalled. So it would be "When any official other than the Secretary of State is recalled," et cetera, on line 41.

PRESIDENT CASSELL: All right. That is your amendment.

Is there a second?

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that this change be made on line 41, "When any official other than the Secretary of State is recalled." Discussion?

Delegate Garner.

DELEGATE GARNER: This section is not inconsistent. The Chairman of the Committee on the Executive Branch says this section is not inconsistent. I urge you to vote against the motion on the floor.

PRESIDENT CASSELL: Further discussion? Delegate Moore.

DELEGATE B. MOORE: I would just like the maker of the motion to elaborate on why the Secretary of State should be inserted there.

DELEGATE CORN: Can I answer that, Mr. President?

PRESIDENT CASSELL: Yes, you may, very briefly.

DELEGATE CORN: If you look at what has already been passed on the Governor. It says he can make an interim appointment to fill a vacancy for all these reasons, other than a legislative or judicial officer. Judicial officer here and legislative is not theproblem. The problem is any other elected official than the Governor and the legislature.

Who is that? There is only one person elected, and that's the Secretary of State.

PRESIDENT CASSELL: Delegate Mason.

DELEGATE C. MASON: Does the language that you're reading say how long that interim appointment lasts? I would assume it lasted only until a successor is elected. This provides they will hold an election for a successor.

DELEGATE CORN: No, it is not until the next regularly scheduled general election, or the expiration of the term, whichever is sooner. That has already been passed. So that is why you have got to have the Secretary of State. He is the only one that is not covered under the executive brach article that has already been passed that could conflict with this.

PRESIDENT CASSELL: Delegate Johnson.

DELEGATE JOHNSON: Mr. President, I would suggest that this matter of solid drafting and inconsistency that the committee has been assigned to deal with be dealt with in the committee and not here at this time. So I call for the previous question.

DELEGATE THOMAS: Second.

PRESIDENT CASSELL: It does appear that there is an inconsistency. Our rules provide for that at the appropriate time, when there is considerably more time and nothing else to deal with during the second reading.

The previous question has been called. Those in favor signify by saying aye. (Chorus of ayes.) Opposed? Abstains? Okay.

The original motion is on the floor, the adoption of Section 9.

DELEGATE CORN: May I ask you something? I made a motion. It was seconded. When you called the question, is that the question on my amendment or the question on section 9? Are you ruling me out of order?

PRESIDENT CASSELL: No. I would like to rule you out of order but I guess I can't, because calling the question was on your amendment.

Let me ask you, in light of the fact that that is something that can be remedied by your committee, just to withdraw that so we can get along.

DELEGATE CORN: All right, I will withdraw it, but we're going to bring this same thing back and it's all on --

PRESIDENT CASSELL: There are you. You'll have the floor. You'll be the star now. That is one of the first things during the second reading.

The amendment on the floor--the motion on the floor, rather, is to adopt section 9, filling a recall vacancy. And there are no amendments to that, right?

Those in favor of adopting section 9, please signify by saying aye. (Chorus of ayes.) Opposed? Abstain?

Delegate Johnson, section 10.

DELEGATE JOHNSON: I move the adoption of section 10, recall and local government.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that section 10 be adopted. Discussion.

There being no discussion, those in favor of section 10 signify by saying aye. (Chorus of ayes.)

DELEGATE SCHRAG: Mr. President.

PRESIDENT CASSELL: You weren't quick enough there. What did you want to say?

DELEGATE SCHRAG: I urge that we put "Any" before "local governments", just as we have put the "any" in on the previous article a few minutes ago.

PRESIDENT CASSELL: Can we take that by common consent? He is putting "any" in front of "local governments". Therefore, so ordered. It is line 46.

DELEGATE JOHNSON: Line 46, the first word, inserting the word "Any".

PRESIDENT CASSELL: Those in favor of section 10 with that change, signify by saying aye. (Chorus of ayes.)

Opposed? Abstain?

Section 11, please.

DELEGATE JOHNSON: I move the adoption of section 11, enabling legislation.

DELEGATE THOMAS: Second.

PRESIDENT CASSELL: It has been moved and seconded that Section 11 be adopted. Discussion? Those in favor, signify by saying aye. (Chorus of ayes.) Opposed? Abstain? Section 11 is adopted.

DELEGATE JOHNSON: I move the adoption of the section on Recall, or the article on Recall.

A DELEGATE: Second.

PRESIDENT CASSELL: It has been moved and seconded that the article on Recall be adopted as amended. Those in favor signify by saying aye. (Chorus of ayes.) Opposed?

DELEGATE KAMENY: Nay.

PRESIDENT CASSELL: Abstained? The motion is adopted.

DELEGATE JONES: Point of order.

PRESIDENT CASSELL: Point of order. State your point of order.

DELEGATE JONES: I move to adjourn. We are supposed to be out the door at 10:30, so therefore, it takes us half-an-hour to get our equipment out of this room. So I think on my point of order I would advise we move for adjournment.

PRESIDENT CASELL: Delegate Oulahan.

DELEGATE OULAHAN: Mr. Chairman, you stated this evening that before the close of business we would know what the next article was going to be after we get through with this one. Have you got that information now?

PRESIDENT CASSELL: Okay. Delegate Nahikian, are we correct in indicating that you read next on intergovernmental relations?

DELEGATE NAHIKIAN: Will we be prepared?

PRESIDENT CASSELL: Yes, tomorrow morning at 9:00 o'clock.

DELEGATE NAHIKIAN: Well, Delegate Jordan, who is doing a major part of the presentation, was not happy with 9:00 o'clock in the morning. However, Delegate Jordan has left. He will be here at 9:00.

PRESIDENT CASSELL: Yes. Why don't you instruct him to be here.

Delegate Kameny.

DELEGATE KAMENY: Mr. President, in view of the fact that apparently, if I understand you correctly, that we do have a certain amount of latitude now on time to meet tomorrow, is it necessary to meet as early as 9:00 in the morning? That's awfully early. I would suggest it be at 11:00 anyhow.

PRESIDENT CASSELL: If you're asking the Chair's opinion, the answer is yes.

Delegate Simmons.

DELEGATE SIMMONS: Mr. President, I only thought it would save a lot of time if I simply announced, based on the number of delegates, that Board Member Sheldon Lockridge's condition had not been determined, except that it was not a serious stroke. It may be a mild stroke, but it was not a serious stroke and he was able to talk. I think there are delegates here who were concerned about Delegate Lockridge's spouse.

PRESIDENT CASSELL: Is the body going to vote on the time tomorrow?

PRESIDENT CASSELL: No. We have established 9:00 o'clock is the time to move tomorrow. It was established last week when we didn't know that we could begin at 12:00.

A DELEGATE: Move that we adjourn.

PRESIDENT CASSELL: It has been moved that we adjourn. Second?

DELEGATES: Second.

PRESIDENT CASSELL: All right.

Those in favor? (Chorus of ayes.) Those opposed? The motion carries.

We meet tomorrow at 9:00, and the first issued to be discussed will be intergovernmental relations.

DELEGATE KAMENY: No, we have one more article.

PRESIDENT CASSELL: We have one more article?

All right. We will finish this, and then next is local government, intergovernmental relations.

(Whereupon, at 10:00 p.m., the plenary session was recessed, to reconvene at 9:00 a.m., Saturday, May 8, 1982.)